

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

**DO NOT WRITE IN THIS SPACE**

Case  
05-CA-166887

Date Filed  
12/30/15

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer McDonald's		b. Tel. No. (540) 885-1170	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 130 Lee Jackson Highway Staunton VA 24401		e. Employer Representative	
		g. e-Mail	
		h. Number of workers employed 20	
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants		j. Identify principal product or service Fast food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.  See Attached Page 2 for additional Basis of Charge description			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:			
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)	
		4c. Cell No. (b) (6), (b) (7)(C)	
		4d. Fax No.	
		4e. e-Mail (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)	
By (b) (6), (b) (7)(C) (signature of representative or person making charge)		Office, if any, Cell No. (b) (6), (b) (7)(C)	
Title: (b) (6), (b) (7)(C) (Print/type name and title or office, if any)		Fax No.	
(b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Address		12/30/2015 17:02:33 (date)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

Attachment

Names of the employee(s) discharged, disciplined, and/or retaliated against:

(b) (6), (b) (7)(C)

Specific dates on which the Employer's conduct occurred and/or the Employer's Representative or Agent responsible for the conduct:

12/1/2015-12/12/2015 Other employees going thru private property, Fellow workers and supervisor telling employee (b) (6) was not needed there. Harassment about employee appearance by other employees and management.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
NLRB  
Mobile App

December 31, 2015

McDonald's  
130 Lee Jackson Highway  
Staunton, VA 24401

Re: McDonald's  
Case 05-CA-166887

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Barbara Duvall whose telephone number is (410) 962-2915. If this Board agent is not available, you may contact Supervisory Field Examiner Emily N. Hunt whose telephone number is (410) 962-2864.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

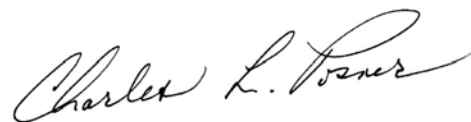
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Charles L. Posner". The signature is written in a cursive, flowing style.

Charles L. Posner  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's

CASE NUMBER

05-CA-166887

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

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**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MCDONALD'S**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 05-CA-166887**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 31, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's  
130 Lee Jackson Highway  
Staunton, VA 24401

December 31, 2015

\_\_\_\_\_  
Date

Jacqueline Denegal, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

*/s/ Jacqueline Denegal*

\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

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Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
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Mobile App

December 31, 2015

(b) (6), (b) (7)(C)

Re: McDonald's  
Case 05-CA-166887

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on December 30, 2015 has been docketed as case number 05-CA-166887. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Barbara Duvall whose telephone number is (410) 962-2915. If this Board agent is not available, you may contact Supervisory Field Examiner Emily N. Hunt whose telephone number is (410) 962-2864.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is written in a cursive, flowing style with a large, stylized initial "C".

Charles L. Posner  
Regional Director

Enclosure: Copy of Charge



# CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No. 05-CA-16887

CASE NAME:

McDonald's

DATE FILED:

12/30/15

CATEGORY:

☐ I ☒ II ☐ III

Potential 10(j)

no

8(a)(2) (indicated name of union):

# discriminatees

8(a)(3):

# of Employees (if not currently on charge)

20

IO charge? Yes: ☐ No: ☒

Dispute City: Houston

☒ E-Filed

Inquiry No.

(b) (6), (b) (7)(C)

Dispute State: VA

HOT TOPIC?

Yes: ☐ No: ☒

Barg Status:

☐ Existing Contract

☒ None

☐ Organizational Campaign

☐ Seeking Initial Contract

☐ Seeking Successor Contract

COMMENTS:

charge is 2 pages

SUPERVISOR:

HUNT

AGENT:

Dove/

8(a)(1)

☐ Coercive Actions (Surveillance, etc)

☒ Coercive Rules

☐ Coercive Statements (Threats, Promises of Benefits, etc.)

☐ Concerted Activities (Retaliation, Discharge, Discipline)

☐ Denial of Access

☐ Discharge of supervisor (Parker-Robb Chevrolet)

☐ Interrogation (including Polling)

☐ Lawsuits

☐ Weingarten

8(a)(4)

☐ Changes in Terms and Conditions of Employment

☐ Discharge (including Layoff and Refusal to Hire)

☐ Discipline

☐ Refusal to Reinstatement Employee/Striker

☐ Shutdown or Relocate/ Subcontract Unit Work

8(a)(5)

☐ Alter Ego

☐ Failure to Sign Agreement

☐ Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing)

☐ Refusal to Furnish Information

☐ Refusal to Hire Majority

☐ Refusal to Recognize

☐ Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes

☐ Shutdown or Relocate (e.g. First National Maintenance).Subcontract Work

8(a)(2)

☐ Assistance

☐ Domination

☐ Unlawful Recognition

8(a)(3)

☐ Changes in Terms and Conditions of Employment

☐ Discharge (Including Layoff and Refusal to Hire (not salting)

☐ Discipline

☐ Lockout

☐ Refusal to Consider/Hire Applicant (salting only)

☐ Refusal to Reinstatement Employee/Striker (e.g. Laidlaw)

☐ Retaliatory Lawsuit

☐ Shutdown or Relocate/ Subcontract Unit Work

☐ Union Security Related Actions

8(e)

☐ All Allegations against a Labor Organization

☐ All Allegations against an Employer

Proven B. [Signature]

**From:** [Duvall, Barbara](#)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** McDonalds, Case 05-CA-166887  
**Date:** Monday, January 4, 2016 11:53:00 AM  
**Attachments:** [Ltr re. Affidavit Appointment.pdf](#)

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(b) (6), (b) (7)(C)

Please see the attached letter, setting an appointment for you to appear before me on January 14, 2016 at 10 a.m., to provide evidence and sworn testimony in support of the charge you filed against McDonalds. The appointment will take place at:

NLRB, Region 5  
100 S. Charles Street, Suite 600  
Tower II  
Baltimore, Maryland 21201

Please do not hesitate to contact me with any questions.

Barbara

**Barbara Elizabeth Duvall | Field Attorney**

National Labor Relations Board, Region 5

Bank of America Center, Tower II

100 S. Charles Street, Suite 600

Baltimore, Maryland 21201

(410) 962-2915 (Direct)

(410) 962-2198 (Facsimile)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198

Direct Dial: (410) 962-2915

January 4, 2016

VIA ELECTRONIC AND REGULAR MAIL

(b) (6), (b) (7)(C)

Re: McDonalds  
Case 05-CA-166887

Dear (b) (6), (b) (7)(C):

I am the NLRB Field Attorney assigned to investigate the unfair labor practice charge that you filed against the McDonalds. In order to investigate the allegations in a timely fashion, it is necessary to schedule an appointment to take your sworn statement because you are the charging party and have knowledge of the events concerning the allegations in the charge. In an effort to speak with you regarding this case, I left you voicemail messages on December 31, 2015 and January 4, 2016. As of the date of this letter, I have not received a returned call. I scheduled an appointment for you to appear before me for the purpose of taking your sworn statement and receiving evidence pertaining to the above-captioned case. Your appointment is scheduled for **Thursday January 14, 2016, at 10:00 a.m.** The appointment will take place at the NLRB Region 5 Baltimore Regional Office, located at:

**National Labor Relations Board, Region 5  
Bank of America Center, Tower II  
100 S. Charles Street, Suite 600  
Baltimore, Maryland 21201**

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Please bring with you all documents and materials that you have which may be relevant to this case.

As the charging party, it is your responsibility to provide a sworn statement and all relevant information and evidence pertaining to the allegations raised in this charge. If you cannot appear for the interview appointment, or if the date or time scheduled above is inconvenient, please notify me immediately, so that another appointment may be scheduled for a date and time more convenient for you. If you fail to appear for the appointment as scheduled, and do not notify me before missing your appointment, this office will assume you are not interested in proceeding with this matter and do not intend to cooperate. This will result in dismissal of your case with no further investigation by this Agency. Please note that a dismissal of your case may result in you being unable to timely file a new charge because Section 10(b) of

the Act provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

I look forward to meeting you at your appointment on January 14, 2016. Again, please contact me immediately if you cannot appear for the interview appointment. You can contact me by calling my direct line (410) 962-2915.

Thank you for your cooperation.

Very Truly Yours,

*/s/ Barbara E. Duvall*

Barbara E. Duvall  
NLRB, Field Attorney  
(410) 962-2915 (direct dial)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

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Telephone: (410)962-2822  
Fax: (410)962-2198

January 12, 2016

McDonald's  
130 Lee Jackson Highway  
Staunton, VA 24401

Re: McDonald's  
Case 05-CA-166887

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in cursive script that reads "Charles L. Posner".

Charles L. Posner  
Regional Director

cc: (b) (6), (b) (7)(C)

